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RULING ON A POINT OF ORDER

RAISED ON OCTOBER 16, 2013,

BY THE HONOURABLE HOUSE LEADER OF THE OFFICIAL

OPPOSITION (MR. CULLEN)

REGARDING GOVERNMENT MOTION NO. 2 STANDING ON THE

ORDER PAPER IN THE NAME OF THE LEADER OF THE

GOVERNMENT IN THE HOUSE OF COMMONS (MR. VAN LOAN)

October 17, 2013

I am now prepared to rule on the point of order raised by the hon. House Leader of the Official Opposition (Mr. Cullen) regarding Government Motion No. 2 that is standing on the *Order Paper* in the name of the hon. Leader of the Government in the House of Commons (Mr. Van Loan).

I would like to thank the hon. House Leader of the Official Opposition for raising this matter and the hon. Government House Leader for his contribution to the discussion.

The Opposition House Leader argued that the motion, in calling for the House to reinstate government bills and re-adopt several orders of reference, with or without changes, from the previous session, and in calling for the adoption of new orders of reference with regard to the management of business in the current session, both in the House and in committee, constitutes a series of distinct proposals that require separate debates and separate votes. He then asked the Chair to divide the motion to allow for this.

For his part, the Government House Leader stated that in his view the motion represented a balanced attempt to ensure that everyone's business

from the last session could be preserved. But he stressed that the motion's broad purpose was also to more generally arrange business in the House and its committees this autumn.

As has been alluded to, this is not the first time the House is confronted with a situation of this kind. *O'Brien and Bosc*, at pages 562-3, explains that:

(quote) *"When a complicated motion comes before the House (for example, a motion containing two or more parts each capable of standing on its own), the Speaker has the authority to modify it in order to facilitate decision-making in the House. When any Member objects to a motion containing two or more distinct propositions, he or she may request that the motion be divided and that each proposition be debated and voted on separately. The final decision, however, rests with the Chair."*
(unquote)

While previous Speakers have been faced with similar requests to divide motions, they have seldom done so, something Speaker Milliken, on October 4, 2002, at page 299 of *Debates*, remarked upon when he stated

that (quote) *“...the Chair must exercise every caution before intervening in the deliberations of the House...”* (unquote). In that instance, Speaker Milliken did in fact determine that a motion contained three different proposals. In that case, the broad purpose of the motion was the (quote) *“resumption and continuation of the business of the House begun in the previous Session of Parliament.”* (unquote). Accordingly, Speaker Milliken took the view that the first two proposals, which dealt with the reinstatement of business from a previous session, should be debated together but each get a separate vote. The third proposal, which concerned travel by the Standing Committee on Finance and was not found to be (quote) *“...strictly speaking, a matter of reinstating unfinished business”* (unquote), became a separate motion. In making this decision to allow a separate debate, Speaker Milliken also stated that (quote) *“our usual practice is to adopt travel motions on a case-by-case basis.”* (unquote)

While Government Motion No. 2 is similar to the 2002 motion, it is not identical. In adjudicating cases of this kind, the Chair must always be mindful to approach each new case with a fresh eye, taking into account the particular circumstances of the situation at hand. Often, there is little in the way of guidance for the Speaker and a strict compliance with precedent

is not always appropriate. In this case, the Chair is acutely aware, as is stated at page 562 of *O'Brien and Bosc*, that to divide a motion is rare and that (quote) "*only in exceptional circumstances should the Chair make this decision on its own initiative.*" (unquote)

At the same time, the Chair has listened very carefully to the interventions made on the nature of Government Motion No. 2 and on the particular parts of it that have given rise to objections on the part of the Opposition House Leader. I have noted that he reserved his strongest objections for part a) of the motion, which deals with the reinstatement of government bills, and indeed indicated that his party (quote) "*supports*" (unquote) the other aspects of the motion.

In view of this unique set of circumstances, the Chair does not feel the very high threshold required for dividing the motion has been met and accordingly, I will allow the motion to be debated as a whole. However, the Chair understands the arguments raised by the Opposition House Leader as they relate to the very broad, blanket provisions contained in part a) of the motion. In that regard, I am directing that a separate vote be held on that part of Government Motion No. 2.

In proceeding in this manner, I trust that Members will have satisfactory and practical means to express their views through debate, amendment and voting on the propositions contained in Government Motion No. 2.

I thank all Members for their attention.